

AO 440 (Rev 1/90) Summons in a Civil Action

United States District Court

SOUTHERN

NEW YORK

DISTRICT OF

MASON TENDERS DISTRICT COUNCIL
WELFARE FUND, et al.,

Plaintiffs,

SUMMONS IN A CIVIL ACTION

V.

CASE NUMBER: 07 CV

BIG APPLE ROOFING & CONSTRUCTION CORP.
and HARRY MARKU,

Defendants.

07 CV 3499

JUDGE CHIN

TO: (Name and Address of Defendant)

BIG APPLE ROOFING & CONSTRUCTION CORP.
321 DOUGLASS STREET
BROOKLYN, NEW YORK 11217

HARRY MARKU
321 DOUGLASS STREET
BROOKLYN, NEW YORK 11217

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

GORLICK, KRAVITZ & LISTHAUS, P.C.
17 STATE STREET, 4TH FLOOR
NEW YORK, NEW YORK 10004

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

J. MICHAEL McMAHON

CLERK

DATE

MAY 02 2007

BY DEPUTY CLERK

Manos Quintero

RETURN OF SERVICE

Service of the Summons and Complaint was made by me ¹	DATE
NAME OF SERVER (PRINT)	TITLE

Check one box below to indicate the appropriate method of service:

☐ Served personally upon the defendant. Place where served: _____

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion than residing therein.

☐ Name of person with whom the summons and complaint were left: _____
 Returned unexecuted: _____

☐ Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
 Date

 Signature of Server

 Address of Server

¹) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedures.



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MASON TENDERS DISTRICT COUNCIL
WELFARE FUND, et al.,

Plaintiffs,

Case No. 07 CV 3499
(Judge Chin)

-against-

AFFIDAVIT OF SERVICE

BIG APPLE ROOFING & CONSTRUCTION CORP.
and HARRY MARKU,

Defendants.

-----X
STATE OF NEW YORK)
S.S.
COUNTY OF NEW YORK)

TIMOTHY M. BOTTL, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 15th day of May, 2007, at approximately the time of 11:40 AM, deponent served a true copy of the SUMMONS IN A CIVIL ACTION; COMPLAINT; 3RD AMENDED INSTRUCTIONS FOR FILING AN ELECTRONIC CASE OR APPEAL; INDIVIDUAL PRACTICES OF JUDGE DENNY CHIN; AND INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE RONALD L. ELLIS upon HARRY MARKU c/o Big Apple Roofing at 321 Douglass Street, Brooklyn, NY, by personally delivering and leaving the same with DEE STURCE, a person of suitable age and discretion at that address, the actual place of business. At the time of service, deponent asked if HARRY MARKU is in active military service for the United States of America or for the State in any capacity whatever or dependent upon a person in active military service and received a negative reply.

DEE STURCE is a white female, approximately 48 years of age, stands approximately 5 feet 7 inches tall, weighs approximately 165 pounds with long, curly black hair and dark eyes.



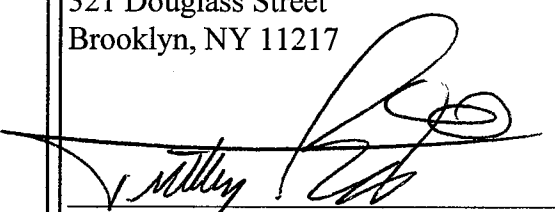
DLS

Demovsky Lawyer Service

Premier Nationwide Document Retrieval
and Process Service Company

That on the 16th day of May, 2007, deponent served another copy of the foregoing upon HARRY MARKU by first class mail, by enclosing a true copy thereof in a securely sealed and postpaid wrapper with the words "PERSONAL AND CONFIDENTIAL" written on the same envelope, and not indicating on the outside that it is from an attorney or concerns an action against the person to be served, and depositing the same into an official depository maintained by the Government of the United States, City and State of New York, addressed as follows:

HARRY MARKU
c/o Big Apple Roofing
321 Douglass Street
Brooklyn, NY 11217


TIMOTHY M. BOTTI
#843358

Sworn to before me this
17th day of May, 2007



NOTARY PUBLIC

HOWARD DANIEL GOLDMAN
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01GO5062405
QUALIFIED IN NEW YORK COUNTY
MY COMMISSION EXPIRES JULY 1, 2010